

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

CINEMAS – PRAKASHAM DISTRICT – Appeal petition filed by Sri Gorantla Ramanadha Babu, Ongole, Prakasam District before the Government – Allowed – Rejected – Orders – Issued.

HOME (GENERAL.A) DEPARTMENT

G.O.Ms.No. 125

Dated: 24-02-2009.

Read the following:

1. From the Govt. Pleader for Home, High Court of A.P. W.P.No.26863/2008 filed by Sri Gorantla Ramanadha Babu, Ongole, Prakasam District, dated 10-12-2008.
2. Appeal Petition filed by Sri Gorantla Ramanadha Babu Ongole, Prakasam District, dated 07-11-2008, received in the Dept. on 10-12-2008.
3. Representation of Sri Gorantla Veerananarayana Babu, Ongole, Prakasam District, dated 10-12-2008.
4. Govt.Memo.No.38285/Genl.A/A1/2008-2, dated 18-12-2008.
5. From the Hon'ble High Court in its Order dated 24-12-2008.
6. From the Dist. Collector, Prakasam, Ongole, Lr.Rc.C1/896/2008, dated 20-1-2009.

ORDER:

In the reference first read, Sri Gorantla Ramanadha Babu has filed W.P. before the Hon'ble High Court of Andhra Pradesh praying this Hon'ble High Court Mandamised Certiorati directing the respondent No.1 (Government) to consider the objections/representation dated 07-11-2008, as per law and dispose of the same after affording an opportunity of hearing the petitioner and to pass such other appropriate order or orders as this Hon'ble Court may deem fit and proper.

2. Sri Gorantla Ramanadha Babu and Sri Gorantala Veerananarayana Babu, Ongole, Prakasam District, has submitted their representations in their reference second and third read above, Accordingly, while enclosing the W.P.No.26863/2008, filed by Sri G.Ramanadha Babu along with the representations of Sri G.Ramanadha Babu and Sri G.Veeranayana Babu Ongole, Prakasam, have called for the report from the District Collector, Prakasam.

3. Further in the meanwhile the Hon'ble High Court in the reference fifth read above has ordered directing the first respondent (Government) to dispose of the representation filed by the petitioner on 7.11.2008/10-12-2008, and pass appropriate orders, as per law, after hearing all the parties concerned, within a period of four weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

(Contd...2)

4. In the reference sixth read above, The District Collector, Prakasam, Ongole, while submitting the parawise remarks and detail report has stated that the petitioner has raised objections against the conversion of the Cinema theatres namely Srinivasa, Sredevi and Padmavathi A/C theatres of Ongole town into Multiplex theatres in the Hon'ble High Court of Andhra Pradesh, Hyderabad. It is related to civil dispute between the family members and partners of the property. The OS No.152/1999, filed in additional Senior Civil Judge Court, Ongole, and Special leave petition filed in appeal (Civil) No.77847/2006, in the Supreme Court of India by Sri G.Ramanadha Babu, Ongole, against the Judgement and order dated 28-12-2005 in CRP No.6309/2005 of the High Court of Andhra Pradesh, Hyderabad. The Government is not a party in any Civil Proceedings between them.

5. It is noticed that Sri G. Veerananarayana Babu, purchased the above said theatres in the open auction in pursuance of the common order passed in IA No.1930 of 2003, and IA No.2015 of 2003, in OS No.152 of 1999, dated 24-11-2003. The open auction was conducted and he was declared as the highest bidder. Thereafter the learned Principal Senior Civil Judge, Ongole, issued sale certificate No.1 of 2005 on 25-11-2005. Thereafter the delivery warrant was issued by the same Court on 1-12-2005. Eversince he was in possession and enjoyment of the above said theatres. The Principal Senior Civil Judge, Ongole, has issued Judgement in EA No.665/2005, dated 25-1-2005, in EP No.292/2003, stating that there is no material irregularity or fraud in conducting the sale and moreover the sale was held for a higher price of Rs.1,92,00,000/- and there are no merits in the present application filed by Sri G.Ramanadha Babu and in the result the petition was dismissed with costs. The Hon'ble High Court of Andhra Pradesh, Hyderabad, delivered judgment in CRP No.6309/2005, dated 28-12-2005, stating that the High Court finds no infirmity or illegality in the order of the Principal Senior Civil Judge, Ongole, dated 25-11-2005, in dismissing the EA No.665/2005, in EP No.292 of 2003, in OS No.152/1999, filed by Sri G.Ramanadha Babu, Ongole, with regard to auction of sale of property of the above theatres.

5. The District Collector, Prakasham, Ongole, has also stated that as seen from the B-Form Licences of the Srinivasa and Sri Devi Theatres, the name of Sri G.Veeranayana Babu was mentioned under the name of the licence column and the original licence granted on 7.4.1973 and 2.11.1973 respectively in respect of Srinivasa Deluxe and Sri Devi Theatres. In respect of Padmavathi under the column of name of the Licensee is also Sri G.Veeranarayana Babu, and the original licence was granted on 3-1-1999. As per the sale certificate dated 28.11.2005, and delivery warrant given by the Principal Senior Civil Judge, Ongole, in OS No.152/1999, in E.P.No.292/2003, and EA No.749/2005, dated 22-12-2005, Sri G.Veeranarayana Babu, is the auction purchaser of the above three theatres property. Moreover the petition (Sri G.Ramanadha Babu) has not furnished any orders restraining the Court's sale of the above theatres.

(Contd...3)

6. To dispose off the Appeal petition filed by Sri G.Ramanadha Babu, Ongole (Petitioner) an opportunity of hearing was given by the Government to both the parties on 09-02-2008, to dispose the appeal petition before the Appellate Authority. Sri G.Veeranarayana Babu (Respondent) has attended the hearing and submitted his written arguments to the Appellate Authority. But Sri G.Ramanadha Babu (Petitioner) has not attended the hearing before the Appellate Authority.

7. Government after careful examination in the matter and also keeping in view of the report of the District Collector, Prakasham, and also the written arguments submitted by Sri G.Veeranarayana Babu (Respondent), and also the representation of Sri G.Ramanadha Babu (Petitioner), has observed that Sri G.Veeranarayana Babu (Respondent) is the B-Form Licence holder of the three theatres i.e., "Srinivasa, Sri Devi and Sri Padmavathi of Gorantla Theatre Complex, Ongole, Prakasham, and as such the representation of Sri G.Ramanadha Babu (Petitioner) is hereby rejected.

8. copy of this order is available on Internet and can be accessed at address <http://www.ap.gov.in/goir>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJOYENDRA PYAL,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
Sri G.Ramanadha Babu,
S/o Late Sri Venkateswarlu Garu,
R/o Bhagya Nagar, 3rd Lane,
Ongole – 523001, Prakasam District.

Sri G.Veeranarayana Babu,
S/o Late Sri Venkateswarlu
C/o Gorantla Theatre Complex,
Ongole, Prakasam District.

Copy to the District Collector, Prakasam, Ongole.
Copy to the P.S. to Principal Secretary to Govt., Home Department.
Copy to the P.S. to Minister for Cinematography.
SF/Scs.

//FORWARDED BY ORDER //

SECTION OFFICER